

**Call to Order:**

The meeting was called to order at 7:40 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, Selena Goldberg, John McDonnell (arrived at 8:52 pm), and associate member Joan Duff; also present was Planner, Jacki Byerley.

**Town Meeting 2009 Warrant Articles:**

The Board took up the discussion on two private warrant articles:

(1) P-63 a private warrant article to request the Town vote to authorize the Selectmen to sell or convey or lease land owned by the town off Essex Street and identified as Assessors Map 55 lot 2.

(2) P-64 a private warrant article to request the Town vote to authorize the Selectmen to grant utility, and/or access and/or parking easements on land owned by the town off Essex Street and identified as Assessors Map 55 lot 2.

Attorney Mark Johnson, the petitioner of articles 1 and 2 gave an overview of the location of the parcel. He discussed an easement that currently exists on the parcel, and noted that the current paved access to Dundee Park is owned by the Town, subject to an easement to allow access to Dundee Park. Attorney Johnson noted that the article would allow the property on Essex Street be developed into a mixed use 4,200 s.f. building. Attorney Johnson reviewed the bidding process which would occur if the town voted to sell or convey the land. He also discussed the process which would occur if the town were to grant utility, and/or access and/or parking easements. He noted that if the Selectmen approved the conveyance (Article 1) they would not move forward with the warrant article requesting the easements (Article 2); only one of Articles 1 and 2 would occur. Mr. Chiozzi noted that the easements over Town owned land could benefit the land owner of Essex Street. Steve Stapinski of Merrimack Engineering gave an overview of the Board's prior approval of 60-62 Essex Street which allowed 3 residential units with access directly from Essex Street. He compared the plan previously approved by the Board with a new concept plan which might be built if Article 1 or 2 was approved. He reviewed the proposed concept plan and explained how the additional area from the Town parcel would be incorporated into the adjacent lot; he discussed the pros and cons of each article. The Board discussed the merits of the articles and discussed whether or not the articles were in the best interest of the town if the town yard gets developed. Attorney Johnson reviewed the bidding process. He noted that the Selectmen must first vote on whether the land is surplus, and, if Article 1 were to pass, the land would then be sold to the highest bidder through a public bidding process. Ms. Byerley reviewed Mr. Materazzo's memo to the Board dated February 4, 2009 and noted that the Planning Director requested that the Board take no action on these articles at this time.

The Board took up the discussion on warrant article:

(P-27) Town Yard Master Plan: This article requests funding of \$30,000.00 to assist in developing a Master Plan for the existing Town Yard site and other abutting properties. Ms. Byerley reviewed Mr. Materazzo's memo to the Board dated February 3, 2009 and the Board's earlier request to increase the amount for the study. Ms. Byerley noted that once the warrant closes the amount requested can only be decreased not increased. The Board suggested that if the warrant were to reopen the amount should be increased. The Board discussed the article and reviewed the attachments. Ms. Anderson questioned the location of the land outlined in the memo. Ms. Byerley noted that the article is the funding to help develop a master plan for the

**Town Meeting 2009 Warrant Articles (cont.):**

site. The Board requested that the Town Yard Task Force present their vision for the Town Yard. On a motion by Ms. Anderson seconded by Ms. Goldberg the board voted to support and approve the warrant article requesting funds in the amount of \$30,000 to assist in developing a master plan for the existing town yard site. **Vote** Unanimous (5-0)

**The Legends – Phase II Modification:**

The Board opened the public hearing on an application by CA Investment Trust for a modification of a previously approved Special Permit for New Multi-Family Attached Cluster entitled The Legends Phase II. The modification will change the layout of the development and add an additional unit for a total of 28 units. Doug Lees of Land Engineering & Environmental Services representing the applicant gave an overview of the previous approval and the proposed modification. He noted that the utilities and roadways are already constructed. The Board questioned the number of rooms in the unit. The Board also asked if there had been any changes in regulations since the original approval which might be circumvented by asking for this change as a modification. Ms. Byerley reviewed Mr. Materazzo's memo to the Board dated February 3, 2009 and noted that there were no comments from the IDR conducted on December 30, 2008. Mr. Lees noted that the project exceeds the stormwater standards and there are no zoning issues with the project. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to close the public hearing for a modification of a previously approved Special Permit for New Multi-Family Attached Cluster entitled The Legends Phase II. The modification will change the layout of the development and add one additional unit for a total of 28 units, which is located off Crenshaw Lane and Muirfield Circle. **Vote** Unanimous (5-0); it should be noted John McDonnell arrived after the vote.

**180 Abbot Street:**

The Board opened the public hearings that were continued from the January 13<sup>th</sup> meeting on an application by Mike Ristuccia for a Definitive Subdivision Plan and Special Permit for Earth Movement located at 180 Abbot Street. The Board reviewed the applicant's request to continue the public hearings without discussion dated February 6, 2009. Ms. Byerley noted the applicant is in the process of modifying the plans. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to continue the public hearings without discussion until March 10<sup>th</sup> at 8:15 pm. **Vote** Unanimous (5-0)

**Sellers Farm Estates:**

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to reaffirm their previous definitive plan approval of the Sellers Farm Estates and Special Permit for Earth Movement subject to the forty-four (44) conditions, which are the same as imposed by the Board on October 25, 2005. Said re-affirmation is for the sole purpose of recording the record plan at the Essex North Registry of Deeds. **Vote** Unanimous (5-0)

**Minutes:**

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the January 13, 2009 minutes as amended by Ms. Duff to change "neighbor" to "neighborhood" in the 340 Salem Street section. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the minutes for December 9, 2008 and January 27, 2009 as submitted. **Vote** Unanimous (5-0)

**Stormwater Management & Erosion Control Regulations:**

The Board opened the public hearing for the adoption of the Stormwater Management & Erosion Control Regulations. Ms. Byerley reviewed her memo to the Board dated February 5, 2009 and noted that Town Counsel, Board of Health and Conservation Commission comments have been included in the draft regulations. An Environmental Attorney representing Phillips Academy noted that he has not attended the Planning Board's review over the past six months but outlined some concerns and reviewed a hypothetical situation in which the campus might do various separate projects which, if combined, could potentially trigger a disturbance over 43,560 s. f., thereby requiring a Stormwater Management & Erosion Control permit. The Board reviewed Ms. Byerley's memo dated February 5, 2009 including Phillips Academy's suggested changes to the regulations. Paul Finger representing the Conservation Commission noted that he did not see a problem with Phillips Academy's (PA) suggested changes and noted the regulations should be consistent among all Boards. The Board reviewed General Permits and Waiver Certifications as outlined by PA and noted that the Board had looked into the possibility of General Permits when drafting the bylaw. Mr. McDonnell noted that the Board should develop specific low impact development criteria, which would address PA's concerns. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to approve the Stormwater Management and Erosion Control Regulations dated February 7, 2009 with the following changes:

2B add back the phrase "unless these Regulations are more stringent".

3B Change "of" to "with"

IV General Procedures change to PA suggestion with the correct reference and retain the last sentence in the draft regulations

Add a new sub-section I Exclusions from Permit Requirements as outlined in Ms. Byerley's memo to the Board dated February 5<sup>th</sup>.

IX Design Criteria E. Water Quality Volume change the formula to

$(ft^3) = \text{impervious surfaces } (ft^2) \times 0.5 (1/2 \text{ inch}) / 12 (\text{inches per foot})$  instead of  $(ft^3) = \text{impervious surfaces } (ft^2) \times 1.0 (1/2 \text{ inch}) / 12 (\text{inches per foot})$ . **Vote** Unanimous (5-0)

**Adjournment:** The Board voted to adjourn the meeting at 10:04 p.m.